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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,038	08/01/2006	Wolfgang Kozsar	049202/312425	3657
826	7590	03/11/2009	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	
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			03/11/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,038

Applicant(s)

KOZSAR, WOLFGANG

Examiner

MARK T. LE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 8/1/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. The abstract of the disclosure (page 26 of the specification) is objected to because it is in the format of a claim rather than that of an abstract. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. Where applicable, the abstract should include apparatus, its organization and operation. It should be noted that the use of legal phraseologies, such as "said" and/or "means", should be avoided.

2. In claim 1, line 11, "the travel surface", and line 18, "the axis" lack antecedent basis.

In claim 11, line 9, "the travel surface", and line 15, "the axis" lack antecedent basis.

In claim 19, line 8, "the travel surface", and line 14, "the axis" lack antecedent basis.

Proper correction is required.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is indefinite because it is not clear as to what are the method steps that form parts of the method claim.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, 11-12, 14-15 and 19 (19 as best can be treated) are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 202 09 542 in view of Japanese reference 7-172359.

The German reference discloses a transport system having features similar to that recited in the instant claims, including under floor primary conductor 22, transport vehicle 10 traveling along the conductor, pickup units 42 on the vehicle for inductively picking up electrical energy from 22, swiveling rollers 14.7, 92, 92.2, idle rollers on both sides of each of the pickup units, sensor units 40 for sensing conductor 22, and drive wheel 14.6 for driving the vehicle along conductor 22; wherein, said drive wheel is controlled in response to the signals of the sensor unit for minimizing a deviation of the vehicle from the floor track signal or conductor 22. It is noted that the wheel arrangement of the German reference is different from that of the instant claims.

Regarding the instant claimed vehicle including two drive wheels located rearwardly, as recited in instant claims 1, 11 and 19, note that vehicles having rear wheel drives are well known. Note for example, the vehicle of the Japanese reference that is configured to use two fixed rear drive wheels. Therefore, it would have been obvious to one skilled in the art to modify the structure of the German reference to use

two rear drive wheels, as well known as exemplary by the Japanese reference, for achieving the expected advantage thereof.

Regarding the instant claimed roller being located behind the rotating axis of the pickup unit, as recited in instant claims 4 and 14, note the rollers on the sides of pickup unit 42 of the German reference, as shown in the drawings, which rollers are located slightly behind the rotating axis of the pickup unit.

6. Claims 3, 6-8, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1 and 11 above, and further in view of German reference 100 13 767.

Regarding the instant claimed arrangement of the sensor unit on pickup unit pivot axis, as recited in instant claims 3 and 13, the instant claimed pickup units being pivotable on the same axis, as recited in instant claims 6 and 16, the instant claimed primary conductor being provided in an insulating track body, as recited in instant claim 7, and the instant claimed second primary conductor, as recited in instant claim 8, note that such features are taught by German reference '767. For example, consider the first and second primary conductors being provided in variations of insulating track bodies, as shown in Figures 1-11 of German reference '767; and consider Figure 16 of German reference '767 that shows an alternative embodiment, wherein, two pickup units 104 are connected in tandem and are pivotable about the same axis 108, and there is also a sensor unit 103 provided on the pivot axis of the pickup units. In view of German reference '767, it would have been obvious to one skilled in the art to modify the arrangement of the sensor unit, pickup units, and the primary conductors of German

reference '542 into an arrangement, similar to that taught by German reference '767, so as to optimize of the power induction as it would be expected from the teaching of German reference '767.

Regarding the instant claimed intended use for inductive data transfer, as recited in instant claim 8, note that the primary conductors of German reference '767, as modified, are inherently capable of inductive data transfer, e.g. by superimposing data signals on the same conductor that carries electrical power; therefore, the instant claimed intended use limitation is considered met.

7. Claims 9-10 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 8 above, and further in view of Takasan (US 5,938,151).

Regarding the instant claimed inductive data transfer between the primary conductor and secondary conductor, note that the concept of superimposing communication or data signals on the same cable(s) or primary conductor(s) that carry electrical power, such that the electrical power and data signals can be picked up by secondary conductors or coils on the vehicle is well known. Note for example the structure of Takasan; wherein, primary conductors 44,45 are provided for power induction through secondary conductor 15, and for data communication by superimposing data signals on the same primary conductors and picked up by secondary conductor 18. In view of the teaching of Takasan, it would have been obvious to one skilled in the art to further provide data signals on the primary conductors of German reference '542, as modified, and provide corresponding

secondary conductors on each of the pickup units or sensors of German reference '542, as modified, for picking up both the electrical power and data signals in a manner similar to that taught by Takasan so as to achieve the expected advantages of simplified construction.

Regarding instant claimed pickup unit being provided with an idle roller, as recited in instant claims 10 and 18, note that the original pickup units 42 of German reference '542 have idle rollers at their sides; therefore, it would have been obvious to one skilled in the art to keep the idle rollers on pickup units of German reference '542, as modified, so as to maintain stable supports for pickup units.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK T. LE whose telephone number is (571)272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (Teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/
Primary Examiner
Art Unit 3617

mle
3/2/09